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Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Administration of the)
North American Numbering Plan) CC Docket No. 92-237
Carrier Identification Codes (CICs))

**COMMENTS OF AMERITECH TO
FURTHER NOTICE OF PROPOSED RULEMAKING**

Ameritech files its Comments in response to the Commission's Further Notice of Proposed Rulemaking and Order (FNPRM) released in this matter on October 9, 1997. In the FNPRM, the Commission seeks comments on potential rules governing the use and assignment of Carrier Identifications Codes (CICs).

Ameritech will show that the Commission should not formalize rules governing assignment and use of CICs, because rigid rules could constrain innovation and the ability of carriers to quickly respond to changing consumer needs. Rather, the Commission should sanction continued use of the existing CIC Assignment Guidelines, and refer its proposed modifications and questions to the existing open industry forum.

The Commission should permit a reversion to the limit of six CIC per entity contained in the CIC assignment Guidelines. Ameritech also agrees with the Commission that it should adopt rules that formalize the CIC usage reporting and reclamation requirements. The Commission's rule will provide the enforcement

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powers necessary to ensure that reasonable conservation measures are followed.

Although Ameritech agrees that several of the Commission's issues and questions should be addressed, it also believes that they should be fully considered through the rigorous industry forum process.¹ For that reason, Ameritech will not address those issues here.

**I. THE CURRENT CIC ASSIGNMENT GUIDELINES SHOULD BE
RETAINED AND MODIFICATIONS MADE THROUGH AN OPEN
INDUSTRY CONSENSUS PROCESS.**

The Commission tentatively concludes that "rules would better serve our objectives of promoting competition and minimizing costs associated with CIC expansion than voluntary industry guidelines."² Ameritech strongly supports the Commission's objective of balancing the facilitation of competition with minimizing costs. However, Ameritech believes that the best method for achieving these objectives is through the continued use of the open industry forum process. However, as will be discussed, Ameritech does agree with the Commission that the Commission should codify reasonable CIC conservation requirements, so they can be enforced.

¹ For example, Ameritech agrees with the Commission (§§23-27) that the ambiguity in the term "entity" should be eliminated, although the impact on future demand of elimination of the "control" condition should be fully considered. Another issue is the ability of carriers to retain CICs in excess of the established maximums when they are acquired through acquisitions and mergers (§36). Ameritech agrees that this rule may give certain carriers a competitive advantage and should be examined. These issues should be referred to Industry Numbering Committee (INC) for full analysis and consideration, rather than INC being mandated to implement pre-determined modifications to its guidelines.

² FNPRM at 10.

The industry forum process provides a vehicle for full discussion of all aspects of an issue, including its technical implications. The process also attempts to accommodate the divergent needs of all stakeholders through consensus building procedures. The industry forum process thereby provides the ability to promptly respond to changing conditions, while affording an opportunity to fully consider and accommodate the changing needs of all stakeholders. Over the years, this process has amicably resolved most numbering issues without the need of adjudication before the Commission or the courts.

Although Ameritech supports the existing CIC Assignment Guidelines, it does not believe that they should be codified into inflexible rules. While these guidelines are adequate for today, formalizing them into rules would squelch the use of industry process to address changing needs and substitute in its place adversarial rulemaking proceedings. The result will not only be the loss of flexibility and the ability to promptly respond to changing needs, but also the loss of the cooperative spirit that has been such a valuable asset in solving numbering issues over the years.

In this proceeding, the Commission also directed the North American Number Council (NANC) to develop recommendations on the tentative conclusions and proposals in the FNPRM. Ameritech participated on the NANC Ad Hoc working group. This effort provided a platform for discussion and debate relative to the issues. In general, the group was able to reach a consensus position

on many issues. However, Ameritech urges the Commission to exercise caution in its use of Ad Hoc groups in the future. Such groups may not represent the entire industry or utilize established consensus procedures. Instead, the Commission and NANC should rely to the maximum extent possible on existing open industry forum process.

II. THE INDUSTRY SHOULD REVERT TO A LIMIT OF 6 CIC PER ENTITY.

In the FNPRM, the Commission finds that conservation of CICs “will remain an important consideration once that transition [to 4-digit CICs] ends.”³ The Commission asks commenting parties to address “how many CICs an entity should be allowed under a conservation plan.”⁴ Ameritech strongly agrees that reasonable conservation measures are essential even after that conversion to 4-digit CICs.

Ameritech believes that once the 4-digit CIC conversion is completed a sufficient supply of CICs (10,000) will be available to allow relaxation of the severe 2-CIC per entity limitation required by the conservation plan adopted by the industry in April, 1997. Ameritech proposes that the industry revert to the limit of six CICs per entity provided for in the CIC Assignment Guidelines.⁵ Ameritech avers that as a starting point, a limit of six CICs per entity strikes a proper balance between having a sufficient supply of CICs available to each carrier to

³ at ¶34.

⁴ *Id.* at 35.

⁵ INC 95-0127-006 Nov 1997 Revision in Sec 3.1 “Four Digit CIC Assignment Practices,” Page 8.

enable it to meet customer needs, while at the same time preventing inefficient use of CICs. However, future events may require that the limit be modified.

Examples of potential inefficient uses of CICs abound. For example, a carrier could develop a product whereby it uses a unique CIC for each state, LATA, or end user, in order to segment its customers. CICs should not be used as an accounting tool or a substitute to perform unique billing functions that can be developed within a carriers own system(s).

Some industry participants may argue that since the conversion to the 4-digit CIC format increased the number of CICs by a factor of ten (1,000 to 10,000), carriers should be able to retain as many CICs as they deem appropriate. This approach should be rejected because it could very quickly exhaust the supply of CICs, and put the Commission and the industry right back where it was before the conversion from the 3-digit to the 4-digit CIC format.

III. THE COMMISSION SHOULD ADOPT RULES ENFORCING CONSERVATION OF CICs.

The Commission tentatively concludes that “mandatory reclamation of four-digit Feature Group D CIC could prolong that period [when 4-digit CICs are available for assignment].”⁶ The Commission also found that “[m]andatory reclamation also should ensure that costs of expanding CICs’ lengths are not incurred prematurely because some CIC assignees fail to use their CICs or return

⁶ *Id.* at ¶46.

them voluntarily to the NANP administrator.”⁷ The Commission therefore tentatively concludes that “mandatory reclamation procedures should be codified, and hence enforceable . . . ”⁸ Ameritech agrees.

Ameritech believes that it is important for the Commission adopt rules that empower the NANPA to enforce reasonable conservation measures. Ameritech supports striking a balance between full use of CICs, and conserving this limited numbering resource in order to minimize costs and dislocation associated with CIC expansion. It must be remembered that, as the recent CIC conversion demonstrates, changes in the numbering plan are very expensive and disruptive for customers and carriers alike. Moreover, CIC exhaust can deny to new carriers the opportunity to compete, and to existing carriers the ability to introduce new services.

The Commission asks the parties to address whether there should be a four month maximum for activation of CICs.⁹ Ameritech agrees that there should be a time limit on the activation of new CIC so they not requested prematurely. However, Ameritech is concerned that four months may, in some cases, be too short a period to implement the use of a new CIC. For that reason, Ameritech proposes the use of a six-month period. Extensions should generally be limited to

⁷ *Id.*

⁸ *id.*

⁹ *Id.* at ¶49.

cases where technical or facilities problems or legal or regulatory proceedings have delayed implementation.

The Commission also asks the parties to address the so-called “six-month idle period.”¹⁰ Basically, this rule authorizes the NANPA to reclaim CICs upon which there is no usage for six months. Ameritech strongly supports this requirement and believes that it is necessary to ensure that CICs that are not currently needed or used are promptly available for re-assignment. In this regard, it is also essential that the Commission’s CIC rules require that carriers report on-going access usage on their CICs to the NANPA, so the NANPA will have the information it needs to reclaim idle CICs.

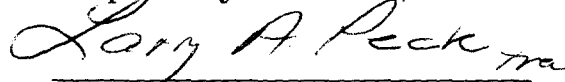
IV. CONCLUSION.

Ameritech submits that the open industry consensus process and associated CIC Assignment Guidelines have provided the industry with the necessary cooperative spirit and tools to efficiently assign and manage the CIC resource, and should be retained. For that reason, the Commission should refer the issues and

¹⁰ *Id.* at 51.

questions raised in the FNPRM to the INC for resolution. The only exception is that the Commission should adopt rules that clearly empower the NANPA to enforce reasonable conservation measures.

Respectfully submitted,

A handwritten signature in cursive script that reads "Larry A. Peck". The signature is written in dark ink and is positioned above a horizontal line.

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